THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.15683 OF 2005

Dated: 14.12.2005

Between

Mohd Bin Abdullah Al Jabri @ Chota Mohd. Pahelwan, S/o. Mohd. Bin Omer, Occ: LLB Student, R/o. 17-3-198/8-6, Chotpal, Yakutpura, Hyderabad.

...PETITIONER

AND

The Deputy Commissioner of Police, South Zone, Hyderabad and another.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in opening the rowdy sheet against him as illegal and arbitrary.

Learned counsel for the petitioner submits that opening a rowdy sheet against the petitioner is illegal and violative of Articles 14, 19(1)(e) and 21 of the Constitution of India, as petitioner is not a habitual offender. The learned counsel further submits that the petitioner questions the action of the respondents in opening number of cases against him on the same day as illegal and arbitrary.

Counter has been filed stating that the petitioner is a resident of H.No.17-3-198/8-6, Chotapal, Yakutpura, Hyderabad and he is a rowdy element involved in the following cases:

1. Cr.No.179/2004, under Section 506 IPC of P.S. Rein Bazar.

2. Cr.No.68/2005, under Section 506 IPC and 4(3) of A.P. Land Grabbing (Prohibition) Act, 1982 of P.S. Rein Bazar.

3. Cr.No.69/2005, under Section 353 IPC of P.S. Rein Bazar.

4. Cr.No.70/2005, under Section 384, 506 IPC of P.S. Rein Bazar.

5. Cr.No.71/2005, under Section 384, 506 IPC of P.S. Rein Bazar.

6. Cr.No.97/2005, under Section 365, 506 IPC of Santoshngar P.S. Hyderabad.

7. Cr.No.60/2005, under Section 384, 365, 506 IPC of Kanchanbagh P.S. Hyderabad.

The allegation of the petitioner that all the cases were opened on the same day is denied and it is stated that three cases in Cr.Nos.70, 71 and 60 of 2005 were registered on 18.04.2005 and remaining cases were registered on different dates i.e.05.04.2005 and 16.04.2005.

In view of the aforesaid cases pending against the petitioner,
it cannot be said that he is not a habitual offender. Therefore, it cannot be said that the continuation of the rowdy sheet against the petitioner is contrary to the Standing Order 742 of the Police standing Orders.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

December 14, 2005

DSK